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*Attorneys for individual and representative  
Plaintiffs Shonetta Crain and Kira Serna*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SHONETTA CRAIN AND KIRA SERNA,

Plaintiffs,

v.

ACCREDITED CASUALTY AND SURETY  
COMPANY, INC., et al.,

Defendants.

Case No. 3:19-CV-001265-JST

CLASS ACTION

**DECLARATION OF BENJAMIN D. ELGA  
IN SUPPORT OF PLAINTIFFS' JOINT  
MOTION FOR APPOINTMENT OF  
INTERIM CLASS COUNSEL**

Date: June 6, 2019  
Time: 2:00p.m.  
Location: Courtroom 9  
Judge: The Honorable Jon S. Tigar

STEVEN BREAUX, individually and on  
behalf of all other similar situated individuals,

Plaintiff,

v.

ACCREDITED CASUALTY AND SURETY  
COMPANY, INC., et al.,

Defendants.

Case No. 3:19-CV-00717-JST

1 I, Benjamin D. Elga, declare as follows:

2 1. I am an attorney at Justice Catalyst Law, counsel for Plaintiffs Shonetta Crain and  
3 Kira Serna in *Crain et al. v. Accredited Surety & Casualty Co., et al.*, Case No. 3:19-cv-001265-  
4 JST (N.D. Cal.). I have personal knowledge of the facts herein and, if called upon to testify to  
5 those facts, I could and would do so competently.

6 2. I have spent my legal career engaged in class action practice working on behalf of  
7 consumers to redress antitrust and consumer law violations. I have worked on many large-scale  
8 antitrust cases as counsel for plaintiff classes, including *In re: Automotive Parts Antitrust*  
9 *Litigation*, MDL No. 2311 (E.D. Mich.), *In re: Packaged Seafood Products Antitrust*  
10 *Litigation*, MDL No. 2670 (S.D. Cal.), *Cason-Merenda v. Detroit Medical Center*, No. 06-15601  
11 (E.D. Mich.). I focus on uncovering abuses and building litigation to redress them. For example, I  
12 uncovered a defect that caused Subaru cars' hoods to fly open while they were being driven,  
13 which prompted a global recall of the Subaru Tribeca. *Hadley, et al. v. Subaru of America, Inc.*,  
14 No. 15-7210 (D.N.J.).

15 3. I have spent approximately two years investigating the bail market, nationally and  
16 in California, conducting interviews and extensively researching the relevant economic forces.  
17 Through legal research and discussions with advocates and market participants, I have accrued  
18 substantial expertise in both the theory and the practice of for-profit bail agencies and sureties, as  
19 well as California's regulatory regime.

20 4. My colleague, Brian J. Shearer, is also an attorney at Justice Catalyst Law. He too  
21 serves as counsel for Plaintiffs Shonetta Crain and Kira Serna in the Action. He has personal  
22 knowledge of the facts herein and, if called upon to testify to those facts, he could and would do  
23 so competently.

24 5. Mr. Shearer has extensive experience in financial products and consumer  
25 protection. He worked at the Consumer Financial Protection Bureau for seven years, where he  
26 wrote several regulations pertaining to consumer reporting, debt collection, and student loans,  
27 drafted guidance documents for a variety of industries, and acted as primary author of the CFPB's  
28 2017 rule on Payday, Vehicle Title, and High Cost Installment Loans. He was the Director's

1 Senior Advisor in 2017, an advisor to the Associate Director of Supervision, Enforcement, and  
2 Fair Lending for much of 2018, and before 2017, counsel in a variety of offices. Throughout his  
3 tenure at the CFPB, he was involved in numerous complex enforcement matters involving credit  
4 markets and other consumer financial products. He is currently a Student Loan Justice Fellow at  
5 the new Student Borrower Protection Center, and he recently published an article titled  
6 “Protecting Worker Power with Antitrust.”  
7

### 8 **Justice Catalyst Law**

9 6. Justice Catalyst Law is a non-profit that develops and litigates cases that serve the  
10 broad public interest and vindicate rights, especially focused on economic justice.

11 7. Justice Catalyst Law was founded in 2018 as the legal arm of Justice Catalyst, a  
12 nonprofit devoted to collaborative, multidisciplinary, problem-centric work to improve the lives  
13 of marginalized communities. By putting problems and people first, and analyzing them from  
14 multiple perspectives, Justice Catalyst Law creatively explores whether litigation can advance  
15 human and civil rights or economic and social justice.

16 8. Justice Catalyst Law’s leadership team has been engaged in many law enforcement  
17 actions involving consumer protection at the Consumer Financial Protection Bureau, as well as  
18 policy work such as legal guidance documents involving student loans, auto lending, credit  
19 reporting, and payment processing, and Federal rulemaking such as a major rule requiring payday  
20 lenders to assess consumers’ ability to repay before making loans.

21 9. Justice Catalyst Law recently filed a putative antitrust class action on behalf of  
22 home sellers against the National Association of Realtors and the four major brokerage franchises  
23 alleging an illegal conspiracy to inflate residential real estate brokerage fees. *Moehrl v. National*  
24 *Association of Realtors*, No. 19-1610, (N.D. Ill. 2019).

25 10. Justice Catalyst Law’s case development and litigation work is expanding rapidly  
26 with cases involving some of the most pressing corporate abuses in the areas of housing, student  
27 debt, medical debt, workplace mobility, workers’ rights, and environmental justice under  
28 investigation and being prepared for filing.

11. Attached as Exhibit A is a true and correct copy of Justice Catalyst Law's firm resume.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on the first of May, 2019 in New York, New York.

/s/ Benjamin D. Elga  
Benjamin D. Elga